

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA

DAARON SHEARS,  
V. Plaintiff  
Correctional Officer, Jenkins  
and Correctional Officer,  
Marker.

Defendants

civil action no. 1:24-CV-0645

"Comprehensive Civil Complaint"

Trial triable by jury demanded

I. Jurisdiction & Venue

This is a civil action authorized by title 42 U.S.C. Section 1983 to redress the deprivation under the color of state law of rights secured under and by the U.S. constitution. This Honorable Court has jurisdiction under title 28 U.S.C. Section 1331 & 1333 (AY3).

Plaintiff Daaron Shears seeks declaratory relief Pursuant to title 28 U.S.C. Section 2201 & 2202.

The ~~Middle~~ Middle District of Pennsylvania is an appropriate venue under title 28 U.S.C. 1331(b) because it is where the facts given rise to these claims that occurred.

II. Plaintiff

Plaintiff Daaron Shears is and was at all time mentioned herein this complaint a prisoner at Pennsylvania Doc/SCI-Rockview Box A 1 Rockview Place Bellefonte Pa 16823.

FILED  
SCRANTON

APR 15 2024

PER DJ  
DEPUTY CLERK

### III. Defendant(s)

1. Defendant Correctional Officer; Jenks  
is and was at all time mentioned in this case.
2. Defendant Correctional Officer; Marker  
is and was at all time mentioned in this case.

### IV. Facts of this Civil Complaint

- A. On January 22, 2024 Approximately at 2:00pm thru 5:30 Plaintiff was on the Behavior Management Unit ("B.M.U.") using the unit kiosk emailing his family.
- B. Defendant Correctional Officer Jenks stated to Plaintiff that he seen the email from Counselor Lansberry that Plaintiff purchased an phone call from the ("Bmu") incentive program but has vowed to not provide the phone to Plaintiff because Plaintiff is a frequent grievance filer here at SCI-Rockview. And then;
- C. The Defendant Correctional Officer Jenks and Defendant Correctional Officer Marker made it upon there way to cuff Plaintiff and Plaintiff was being escorted back to G-A-1004-01 cell but the two(2) defendants and while Plaintiff was walking to the cell Plaintiff non aggressively stopped and requested Lieutenant Rook to come see the Plaintiff about his incentive phone call that he purchased and was being refused.

D. Defendant Correctional officer Jenkins

Looked at Defendant correctional officer marker and asked him "do you feel like doing Paperwork marker"? Defendant correctional officer marker had then responded to defendant correctional officer Jenkins stating "Yeah Sure"(along these terms).

E. At approximately 2:30 pm thru 5:30pm

While Plaintiff is requesting a Lieutenant Rook Defendant correctional officer Jenkins began to breath heavily then Shoved Plaintiff into G-A 1004-01 then Defendant correctional officer marker followed him into the cell and Smashed Plaintiff's head into the wall at full speed then ~~was~~ the two Defendants correctional officer Jenkins and marker punched Plaintiff, Kneed him and Kicked him for over 5 minutes to the point where the Defendants correctional officers Jenkins and marker started to lose their breath. (See CCTV video footage on G-A 1004)

F. Lieutenant Rook eventually arrived in

between 2:35 pm thru 5:35pm to G-A-1004-01 cell on the BMU range with a few subordinates and ~~had~~ Lieutenant Rook told Defendant correctional officer Jenkins and marker to get off the Plaintiff and by this time the BMU handheld camera arrived and all excessive force stopped.

Plaintiff realleges and incorporate by reference Paragraphs (A-F)

Count 1. Eighth Amendment Violation - Use of Excessive Force

Defendant correctional officer Jenks

Defendant correctional officer Jenks violated Plaintiff's Eighth Amendment Right to be free from Cruel and unusual Punishment by inflicting Excessive force upon Plaintiff by Shoving him into the cell and then he "Maliciously and sadistically" rammed Plaintiff's head onto the wall and punched, Kneed and Kicked Plaintiff up to five minutes.

Defendant correctional officer Jenks

Defendant correctional officer Jenks violated Plaintiff's Eighth Amendment right to be free from cruel and unusual punishment by unnecessary and wanton infliction of pain in that, he "Maliciously and sadistically" shoved Plaintiff into the cell, rammed Plaintiff's head onto the wall and punched, Kneed and Kicked Plaintiff up to five minutes.

Count 2. Eighth Amendment Violation - Deliberate Indifference

Defendant correctional officer Jenks

Defendant correctional officer Jenks violated Plaintiff's Eighth Amendment right to be free from cruel and unusual punishment by deliberate indifference to a serious medical need in that, Defendant correctional officer Jenks "Maliciously and Sadistically" Shoved Plaintiff into the cell rammed Plaintiff's head onto the wall punched, knee'd and kicked Plaintiff up to five minutes.

Defendant correctional officer Jenks

Defendant correctional officer Jenks violated Plaintiff's Eighth Amendment right to be free from cruel and unusual punishment by unnecessary wanton infliction of pain in that,

Defendant correctional officer Jenks "Maliciously and Sadistically" Shoved Plaintiff into the cell rammed Plaintiff's head onto the wall punched, knee'd and kicked Plaintiff up to five minutes.

Count 1. Eighth Amendment Violation - Use of Excessive force

Defendant Correctional Officer Manker

Defendant correctional officer Manker violated Plaintiff's Eighth Amendment right to be free from cruel and unusual punishment by inflicting excessive force upon Plaintiff by shoving him into the cell and then he "maliciously and sadistically" rammed Plaintiff's head onto the wall punched Plaintiff and kicked Plaintiff up to five minutes.

Defendant Correctional Officer Manker

Defendant correctional officer Manker violated Plaintiff's Eighth Amendment right to be free from cruel and unusual punishment by unnecessary wanton infliction of pain in that, he "maliciously and sadistically" rammed Plaintiff's head onto the wall punched Plaintiff and kick Plaintiff up to five minutes.

## Count 2. Eighth Amendment Violation - Deliberate indifference

### Defendant Correctional Officer Marker

Defendant correctional officer marker  
Violated Plaintiff's Eighth Amendment right to  
be free from cruel and unusual punishment  
by deliberate indifference to a serious medical  
need in that, Defendant correctional officer  
marker "e maliciously and sadistically" shoved  
Plaintiff into the cell rammed Plaintiff  
head onto the wall punched, Kneed and Kicked  
Plaintiff up to five minutes.

### Defendant Correctional Officer Marker

Defendant correctional officer marker  
Violated Plaintiff's Eighth Amendment right to  
be free from cruel and unusual punishment  
by unnecessary wanton infliction of pain  
in that, Defendant correctional officer marker  
"e maliciously and sadistically" shoved Plaintiff  
into the cell rammed Plaintiff's head onto the  
wall punched, Kneed and Kicked Plaintiff up to  
five minutes.

Plaintiff further exhausted his remedies and as a result of these constitutional violations Plaintiff Daaron Shears suffers arbitrary Quantum of injury and damages described in the facts of the complaint.

Plaintiff Daaron Shears has no plain, adequate or complete remedy at law to redress the wrongs described herein.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiff Daaron Shears respectfully pray that this Most Honorable Court enter judgement GRANTING Plaintiff:

1. A transfer to SCI-Phoenix General Population with all his DC-time cut as a level 3.
2. Compensatory relief in Amount of: three Hundred Thousand (\$ 300,000.00 USD) made payable to Plaintiff.
3. Punitive Damages in Amount of: Eighty Thousand (\$ 80,000.00 USD) made payable to Plaintiff.
4. 2 phone calls (collect) while Plaintiff is confined in a Level 5 RHU housing.
5. A jury trial on all issues.
6. Plaintiff Daaron Shears costs in this suit.
7. Any additional relief this Most Honorable court deem just, proper and equitable.

Date: 4/17/24

I/S/ Daaron Shears

Daaron Shears KV1912  
SCI-Rockview  
Box A | Rockview Place  
Bellefonte PA 16823

✓VERIFICATION

I, Daaron Shears, read the foregoing complaint and hereby verify that the foregoing matters alleged herein are true, except also matters alleged information and belief as to those believed to be true. I, Daaron Shears certify under the penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. § 1746.

Date: \_\_\_\_\_

/s/ Daaron S

CERTIFICATE OF SERVICE

I, Daaron Shears, hereby served to be certified a true and correct copy of "Comprehensive Civil Complaint" pursuant to 28 U.S.C. § 1746. I, Daaron Shears declare under the penalty of perjury that the foregoing is true and correct.

VIA U.S. Mail

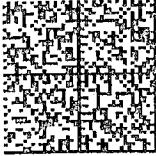
Clerk's office  
U.S. Dist Court for  
the Middle Dist of PA  
235 N. Washington Ave  
P.O. Box 1148  
Scranton, PA 18501-1148

/s/ Daaron S  
Daaron Shears KV191@  
SCI-Rockview  
Box A | Rockview Place  
Bellefonte, PA 16823

Date: 4/7/2024

a.

US POSTAGE  
PAITNEY POWERS



INMATE MAIL  
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ZIP 16823 \$ 000.88<sup>00</sup>  
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Dougnon Sheans K1917  
SCI-ROCKview  
Box A 1 Rockview Place  
Bellefonte, PA 16823

Clerk of Courts  
U.S. District Court  
Middle District of PA  
235 N. Washington Avenue  
Po Box 1148  
Scranton, PA 18501-1148

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